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10/780,000

02/17/2004

Luciano Salice

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07/18/2006

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EXAMINER

JACKSON, ANDRE L

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



*DETAILED ACTION*

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 6, 8, 12, 16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by USPAP 2004/0205935 to Lautenschlaeger et al. Lautenschlaeger et al (Figs. 13-15) discloses a damping device (80) comprising;

a housing (82) structured and arranged to be fastened to a fixed wall part (12), a plunger (86) is slidably guided in the housing, wherein the plunger is arranged to be slid to its closing region by a furniture part (14) and means for damping a closing movement comprising at least a two stage gear means (92, 92, 94, 94) having a speed ratio and impinging on a rotation damper.

As to claim 2, Lautenschlaeger et al discloses that the plunger carries a toothed gear segment (94) concentrically to its bearing axis, wherein the toothed gear segment intermeshes with a pinion (92) within the housing, where the pinion interacts with a toothed wheel (94) attached to a journal of the rotation damper.

As to claims 5, 6, 8 and 12 the lever is impinged upon in the opening direction by a compression spring (98), wherein the compression spring offer less resistance in the opening direction than in the closing direction due to the abutment or blocking force of a roller (96) in the opening direction becoming free from contact with a portion of hinge arm (18).

***Allowable Subject Matter***

Claims 3, 7, 9, 11, 13 and 15 are allowed over the prior art made of record.

Claims 4, 10, 14, 17 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art fails to disclose or render obvious the specific structure of applicant's invention as set forth in claim 3 in particular. Here, applicant recites a damping device including a pivot lever having a portion housed within a housing in which the a furniture or cabinet structure moves the lever by contact and further including a two stage gear means with a speed ratio imposed on a rotation damper. The portion of the lever held in the housing includes a toothed segment concentrically defining a bearing axis, with the toothed segment intermeshing with a pinion disposed within the housing, the pinion interacts with a toothed wheel of the rotation damper. The pinion comprises two toothed segments, one segment defines a smaller radius than the other segment which defines a larger radius, where the smaller radius segment intermeshes with the toothed segment of the lever and the larger radius segment intermeshes with the toothed wheel of the rotation damper.

None of the prior art references used singly or in combination discloses or suggest the specific structural arrangement or the combination of structural limitations set forth above.

***Response to Applicant's Arguments***

Applicant's arguments presented in the Amendment filed April 21, 2006, with respect to the rejection of claims 1, 2, 4-6, 8, 10, 12 and 14 over Kim has been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, in response to applicant's necessity to amend the claims and to applicant's subsequent remarks within the above amendment, a new ground(s) of rejection is made in view of newly discovered reference # 2004/0205935 to Lautenschlaeger et al. Lautenschlaeger et al has been applied to meet the structural limitations of applicant's claims as currently presented, thus claims 1, 2, 5, 6, 8, 12, 16 and 18 are found to be unpatentable over Lautenschlaeger et al. Claims 3, 7, 9, 11, 13 and 15 are believed to be allowable over Lautenschlaeger et al and the other prior art references made of record and claims 4, 10, 14, 17 and 19 are objected to.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action.

Art Unit: 3677

In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (571) 272-7067.


The examiner can normally be reached on Mon. - Fri. (10 am - 6:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

André L. Jackson  
Patent Examiner  
AU 3677

ALJ

  
**ROBERT J. SANDY**  
**PRIMARY EXAMINER**